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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,394	07/12/2001	Pierre-Guillaume Raverdy	50P4431/1597	1600

24272 7590 04/28/2005

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EXAMINER

TRAN, AMY

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,394

Applicant(s)

RAVERDY ET AL.

Examiner

Amy Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Detail Action

1. This action is responsive to the amendment filed on February 7, 2005. Claims 45-54 were newly added. Claims 45-54 are pending. Claims 45-54 represent system and method for effectively providing user information from a user device.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 45-54 are rejected under 35 U.S.C. 102(e) as being unpatentable over Faris et al. US Patent No. 6,659,861.

As to claim 45, Faris teaches a method comprising: receiving a plurality of logon requests at a server that offers at least one service associated with an entertainment event (column 15 lines 40-50, column 16 lines 27-32), the event being at a particular location and being attended by a plurality of persons, each logon request being from a portable electronic device operated by a person attending the event (column 21 lines 12-15, column 46 lines 5-25, fig 10; also see abstract), each logon request comprising device profile information associated with the portable electronic device making the logon request (column 22 lines 55-62), each logon request further comprising user

profile information associated with the person using the portable electronic device making the logon request (column 22 lines 55-62);

in response to the logon requests, using the server to provide logon data to each portable electronic device making one of the logon requests, the logon data enabling each logged on portable electronic device to access each service offered by the server (fig 4b block G and K, column 30 lines 10-13, lines 33-38); and

receiving, during the event, from at least a portion of the portable electronic devices logged on the server, feedback information associated with a particular service offered by the server, the feedback being input to the logged on portable electronic devices by persons attending the event (column 36 lines 25-28; also see abstract).

As to claim 46, Faris teaches the method of claim 45 further comprising: analyzing the user profiles associated with the persons using portable electronic devices logged on the server to identify at least one common user characteristic (column 23 lines 4-9); and based on the analyzing, automatically grouping at least a portion of the persons using logged on portable electronic devices into a user community, the user community being defined by the or each identified common user characteristic (column 23 lines 2-10, column 21 lines 6-8, wherein a set of client machines associated with a particular server is a community).

As to claim 47, Faris teaches the method of claim 45 further comprising: providing streaming content to a particular one of the portable electronic devices in

response to receiving feedback information from the particular portable electronic device (column 18 lines 8-18, column 46 lines 8-11).

As to claim 48, Faris teaches the method of claim 45, wherein the logon requests each comprise the particular location of the entertainment event (column 21 lines 12-14).

As to claim 49, Faris teaches a method comprising: receiving a plurality of logon requests at a server that provides a plurality of services associated with an entertainment event (column 15 lines 40-50, column 16 lines 27-32), the event being at a particular location and being attended by a plurality of persons (column 21 lines 12-15, column 46 lines 5-25, fig 10), each logon request being from a portable electronic device operated by a person attending the event, each logon request comprising user profile information associated with the person using the portable electronic device making the logon request (column 22 lines 55-62);

analyzing the user profiles associated with the persons using portable electronic devices logged on the server to identify at least one common user characteristic (column 23 lines 4-9); based on the analyzing, automatically grouping at least a portion of the persons using logged on portable electronic devices into a user community, the user community being defined by each identified common user characteristic (column 23 lines 2-10, column 21 lines 6-8, wherein a set of client machines associated with a particular server is a community);

automatically offering a particular one of the services to each person in the user community, the service offered being based on at least one of the common user characteristics that defined the user community (column 22 line 52 – column 23 line 9); and receiving, during the event, from at least a portion of the portable electronic devices operated by persons in the user community, feedback information associated with the offered service (column 36 lines 25-28).

As to claim 50, Faris teaches the method of claim 49 further comprising: providing streaming content to a particular one of the portable electronic devices in response to receiving feedback information from the particular portable electronic device (column 18 lines 8-18, column 46 lines 8-11).

As to claim 51, Faris teaches the method of claim 49, wherein the logon requests each comprise the particular location of the entertainment event (column 21 lines 12-14).

As to claim 52, Faris teaches a method comprising: receiving information from a plurality of portable electronic devices operated by persons attending an entertainment event (column 15 lines 40-50, column 16 lines 27-32), the event being at a particular location (column 21 lines 12-15, column 46 lines 5-25, fig 10);

analyzing the received information to identify at least one common characteristic shared by at least a portion of the persons operating the portable electronic devices

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(column 23 lines 4-9); grouping persons who share the or each common characteristic into a user community (column 23 lines 2-10, column 21 lines 6-8, wherein a set of client machines associated with a particular server is a community); offering a service to the persons in the user community, the offering being made via the portable electronic devices operated by the persons in the user community, the service being associated with the event (column 22 line 52 – column 23 line 9, column 46 lines 5-25); and

receiving, during the event, from at least a portion of the portable electronic devices operated by persons in the user community, feedback information associated with the offered service (column 36 lines 25-28).

As to claim 53, Faris teaches the method of claim 52: wherein the offered service comprises providing streaming content, the streaming content being associated with the entertainment event; and wherein the streaming content is provided to a particular one of the portable electronic devices in response to receiving feedback information from the particular portable electronic device (column 18 lines 8-18, column 46 lines 8-11).

As to claim 54, the method of claim 52, wherein the information received from at least one of the portable electronic devices includes the particular location of the entertainment event (column 21 lines 12-14).

RESPONSE TO ARGUMENTS:

4. Applicant's arguments filed on February 7, 2005 have been considered, however they are not in view of the new ground of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Tran whose telephone number is (571) 272-4243. The examiner can normally be reached on M-F from 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amy Tran

Patent Examiner, AU 2157

4/20/05


SALEH NAJJAR
PRIMARY EXAMINER